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DESPERATE BATTLE RAGES ALL DAY IN JUAREZ WHERE BOTH SIDES LOSE HEAVILY

Madero Declares That Battle Was Started In Endeavoring To Extricate Two Hundred Brave Soldiers From Perilous Position After They Had Been Fired Upon by Federals; Big Cuartel Has Been Taken and Diaz Men Are Barricaded in Old Church Which is Slowly Being Battered Away by Scorching Fire From Garibaldi's Little Band; Mexicans Form Front Ranks Among Fighting Forces and American Soldiers of Fortune Support Them; Bullets Rain in El Paso and Troops Are Busy Keeping Crowds Several Blocks Back From the Line; Unless the Church is Taken By Dark, Night of Terror Will Reign in Border City; Refugees Flock to United States.

TIA JUANA IN CALIFORNIA IS TAKEN BY THE REBELS AFTER A SEVERE BATTLE TODAY

By Evening Herald A. P. Leased Wire
El Paso, Tex., May 9.—A general engagement between revolutionary forces and federals at Juarez is raging today. The entire rebel army broke camp during the night and this morning were swarming into town. Privates Emilio Garcia and Cassidy of the American legion with the insurgents, who came to El Paso this morning to get food, stated that already fifteen Americans were killed and the insurgents lost would probably reach a hundred and fifty killed and wounded. The federals' loss is more than double that.

Cassidy said General Villarreal had arrived from Ojinaga with reinforcements and two pieces of artillery. Prospects of rebel success are dependent upon the ability of the federals to use their twelve machine guns in the town.

General Madero admitted today he had given consent to a general attack, but declared the federals had opened fire and the men who were reported as revolting against him had pursued the federals of their own accord and could not relinquish their position.

Madero said he made effort to arrange an armistice last night, but failed because of the progress the attack already had made. All the leaders had been acting on Madero's orders.

General Navarro would have consented to an armistice if the rebels had evacuated the town, but the rebel chief by that time had given orders for an attack primarily to reinforce two hundred brave fellows who had forced their way into Juarez despite federal trenches and barricades.

Bullets have been pouring into El Paso and American Troops are keeping sightseers three blocks away from the river.

An Associated Press correspondent returned from the interior of Juarez at 12:15 o'clock and reported that the rebels are slowly gaining possession of the town. The federals are keeping up a continuous fire from the church in the center of the town but from no other point. The insurgents are concealing themselves by withholding their fire and are slinking behind houses in a gradual advance toward the federal strongholds.

Colonel Garibaldi has given orders to the insurgents in his command to bring the field artillery into the streets preparatory to shelling the church. Colonel Garibaldi said that of the Americans in his company, only one, a man named Clark had been killed but that Captain Linda felt, his chief officer, was unhurt. A. Anderson and E. Boeschen of the American legion in the Garibaldi command has been wounded. The correspondent saw only six wounded in the insurteco lines.

The fight, this afternoon, is centered about the old church, where the federals have apparently concentrated their forces and the insurgents under Garibaldi, are pouring in a rapid fire from their rifles.

The federals are gathered not only in the church but also about a huge gas tank. Telegraph and telephone wires have been severed and are laying in the streets hampering the soldiers in their fighting. The Mexicans, this afternoon, are filling the front ranks and leading the fighting. They are followed closely by the American brigade.

The old church, which has been fortified by bags of sand on the roof and by loop holes cut through the walls for the use of riflemen, is plainly showing the effects of the bombardment from the insurteco guns. It is not known how badly the inmates of the church are suffering from the hot fire which is being poured in upon them.

At 1:45 o'clock there was relatively little change in the positions of the two forces and unless the church is taken before nightfall, a battle in the dark will likely follow.

The day has been one of horror in Juarez and cases of refugees have sought the protection of the American side.

For fear of killing their own men, who are scattered all over Juarez, the insurgents this afternoon ceased firing their field pieces. Many are dead and wounded on both sides. United States troops refuse to allow anyone to cross the line. A small party of federals still hold the Mexican customs house. Rebels have set fire to a number of buildings in the street and is believed to have been a federal mine though it may have



ANCIENT CHURCH IN JUAREZ WHERE THE FEDERALES HAVE FORTIFIED THEIR FORCES BY PLACING SANDBAGS ALONG THE ROOF AND CUTTING LOOPHOLES THROUGH THE WALLS FOR MUSKETRY FIRE.

JOHN McNAMARA IS DENIED BAIL

Court Makes That Ruling. However, Without Prejudice and With Leave to Renew it at Any Time; District Attorney Opposed.

By Evening Herald A. P. Leased Wire

Los Angeles, Cal., May 9.—The application of John J. McNamara for the fixing of bail on the charge of dynamiting was disallowed today by Superior Judge Bordwell without prejudice and with leave to renew it at any time.

The court asked for suggestions as to the fixing of the bail and Attorney Harriman answered that the defendant had the right to demand that the amount be named.

The prosecution is indifferent as to the fixing of the bail," said District Attorney Fredericks. "The admission to bail is what we object to. The fixing of bail applies to charges, the admitting to bail to individuals, if the court makes any order, it might as well be one permitting the defendant to go on his own recognizance."

After some argument Judge Bordwell disallowed the application, adding that he did so without prejudice and that it could be renewed later. Mr. McNamara was not in court.

FEDERATION OF LABOR MAKES APPEAL FOR AID

Washington, May 9.—The American Federation of Labor today issued an appeal for funds for the defense of the McNamara brothers in jail at Los Angeles for dynamiting. The executive council of the federation will receive the funds and distribute them. If necessary, it is stated the cases will be taken to the highest court of the country.

President Diaz and his cabinet this morning awaited the result of a conference between a representative of General Navarro, commanding the federal troops at Juarez, and a representative of Madero. The government is unable to grasp the exact situation between the opposing commanders but at the foreign office it was said that the administration was still disposed to listen to reasonable representations from Madero.

Official dispatches state that last night's fight was precipitated by the act of three rebels, who fired on the federal outposts. The message adds that the casualties on the American side resulted from the rebel fire.

The insubordination of Madero's men has created distrust in the efficacy of a peace pact should such result from the possible resumption of negotiations. At the foreign office it is still regarded as probable that Madero's counsel will prevail in the end that further conferences will be held.

It is believed the day's developments will show up where Madero has lost the confidence of his army through his failure to support the unauthorized attack on Juarez yesterday. There is a growing belief that the rebel leader is losing his head. Sympathizers with the revolution declare that they would not be surprised if he were repudiated and another leader named, though they confess that it would be a hard task to find a suitable successor.

New complications over the killing of Americans on the border are expected though Mr. Wilson, the American ambassador, had received no instruction on the subject from his government this morning.

TIA JUANA IS TAKEN AFTER SHARP FIGHTING

San Diego, Cal., May 9.—Tia Juana, in Lower California, was captured this morning after a short, savage fight. Many are dead and wounded on both sides. United States troops refuse to allow anyone to cross the line. A small party of federals still hold the Mexican customs house. Rebels have set fire to a number of buildings in the street and is believed to have been a federal mine though it may have

STATEHOOD REPORT IS MADE TODAY IN THE HOUSE

Joint Resolution However, Will Probably Be Delayed in Coming Up As Other Matters Have Been Given Precedence.

AMENDMENTS MUST BE VOTED UPON FIRST

By Evening Herald A. P. Leased Wire

Washington, May 9.—Stated that the cabinet devoted most of its time to the Mexican situation today. News of the situation at Juarez was admitted to be alarming but the president and the cabinet still hoped for developments which will bring about peace.

That the American commanders on the border had become reckless and apprehensive and were desirous of taking more radical steps to prevent the killing of Americans on their own soil was indicated today by their applications for modified orders. But

such requests have brought repeated instructions to preserve strict neutrality; to keep the United States soldiers out of Mexico and to endeavor to move United States civilians to places of safety.

One interesting bit of information told before the cabinet today was a statement of the strength of the federal and rebel forces in Mexico. This statement shows that there are 23,355 men in the federal army and 23,425 men in the insurteco army. The statement was compiled from official and unofficial sources.

According to official dispatches public in the white house this afternoon, six Americans were killed in the fighting at El Paso instead of five.

Two of those killed, according to Col.

Steever, commanding the American troops at El Paso.

At that time, it is confidently ex-

pected and devoutly hoped by the Republi-

cans that the extra session of congress will have adjourned.

The fate of the administration's reciprocity policy will have been fixed and perhaps the president's tariff board program will, too, have been voted upon.

At any rate the line between the in-

surgents and the regulars in the Re-

publican ranks will have been drawn.

Time enough will have passed for

Taft to have learned whether or not

to expect opposition for the nomina-

tion in his own party. There are just

now plenty of persons who know, or say

they do, that either LaFollette or

Connally will take the field for the

presidency on a purely progressive

platform.

There seems little hope even among

the most determined insurgents that

they can control the next Republican

convention. It is a question, therefore,

whether or not they expect to

take their chances on a third party

platform. It is the expectation of the

president and his advisers that the

insurgents will have shown their hand

completely by September, and that

Mr. Taft will be in position to make

his appeal with or without their sup-

port.

A statement issued today by the

Mexican embassy declares that trans-

quillity continues in the city of Mexi-

co and that great surprise is expres-

sed there as rumors to the contrary.

The statement in part says:

"All the parts, all the cities, all im-

portant towns and centers are under

the control of the government. The

rebels have only secured some points

of very secondary importance."

In view of this fact it is well to

warn the public against any alarm

that might be caused by these mis-

statements which can only be attri-

buted to malice of ignorance on the

part of those that furnish such wild

reports."

Then, too, the activity of the Demo-

cratic candidates for the nomination

is given as one of the reasons why

the president has decided to take the

field in September. This applies espe-

cially to the growing sentiment

throughout the country in favor of

the nomination of Woodrow Wilson,

governor of New Jersey.

There is no question but that Taft

looks upon Wilson as the strongest

possible man whom the Democrats

could nominate.

If he should continue to grow in public esteem as he has since he drove through his re-

form program in the New Jersey leg-

islature the Republicans expect to

find him dangerously formidable.

It is common knowledge in Wash-

ington that the administration has

never regarded the Harmon boom

seriously. He, next to Bryan, they

say, is the weakest man the Democ-

rats could put forward, and they

would joyously welcome his nomina-

tion next year. Friends of Harmon

say on the other hand, that this very

feeling on the part of the Republi-

cans would result in Harmon's elec-

tion.

Another thing which has actu-

ated the president in planning his re-

cession campaign for September is

the fact that by then the Democ-

rat House will have made its record.

This will then be subject to the widest

comment and some of this comment

will come from the president as head

of his own party.

Soon after the recent election

showed that the Democrats would

control the present house the discus-

sion of the Republican party's poli-

cies and legislative program began.

At first it was thought that this program

could not be acted upon until the